

REMARKS/ARGUMENTS

Claims 1-25 remain in the subject application. Claim 26 is being added. Claims 1, 2, 7, 9, 12, 24 and 25 are amended, as recited hereinabove.

Claims 1-25 have been rejected under 35 U.S.C. 102(e) as being unpatentable over Kodimer et al. (U.S. Patent No.6,003,078A). It is believed that independent claims 1, 12, 24 and 25, as amended hereinabove, in addition to claim 26 are indeed patentable over Kodimer et al. Kodimer et al. does not disclose detecting a problem with either the hardware, software or the interface line of the network device without interruption to the operation of the network device, as does the claimed invention.

Furthermore, the subject matter to which claims 7 and 9 are directed is not found to be disclosed by Kodimer et al. Reference is made to col. 12, lines 59-62 of Kodimer et al. with regard to the rejection of claim 7, however, the “condition of an event triggered by exceeding a threshold quantity of usage, such as exceeding a threshold number of pages printed without performing scheduled maintenance” of Kodimer et al. is not the “computer register for indicating the status of the hardware and software subsystems immediately before the problem occurs” of the claimed invention. First, there is no disclosure by Kodimer et al. of an immediate alerting of a problem. Second, Kodimer et al. is concerned with problems that may occur with respect to a copier. The present invention is not concerned with a copier.


With respect to claim 9 of the subject application, the rejection appears to be based on Fig. 17 thereof. However, it is not all clear how Fig. 17 discloses “a remote diagnostic embedded process subsystem, a hardware health status monitor subsystem and a software health status monitor subsystem, the remote diagnostic embedded process subsystem for communicating with the hardware health status monitor subsystem” of claim 9. It is respectfully submitted that it does not. The structures recited in claim 9 and their respective coupling are clearly absent in Kodimer et al.

Accordingly, it is submitted that independent claims 1, 12, 24 and 25 are patentable over Kodimer et al. Additionally, all claims depending therefrom are also necessarily patentable over Kodimer et al.

Accordingly, reconsideration and allowance of claims 1-26 is hereby respectfully requested. Applicants submit that the subject application is now in condition for allowance and an early notice thereof is respectfully requested. Should any further amendment be required prior to passing the application to issue, the Examiner is respectfully invited to contact the undersigned by telephone at the number set out below.

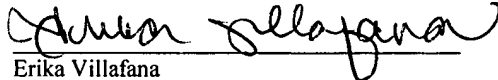
Respectfully submitted,
LAW OFFICES OF IMAM

Dated: December 30, 2003
LAW OFFICES OF IMAM
111 North Market Street, Suite 1010
San Jose, CA 95113
Tel: 408-271-8752

By 
Maryam Imam
Reg. No. 38,190

Fax: 408-271-8886

I hereby certify that this correspondence with all attachments is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on December 30, 2003 by Erika Villafana.


Erika Villafana